

### REMARKS

The Examiner rejected claims 40 and 44 under 35 U.S.C. §112, second paragraph. The applicant has corrected the deficiencies noted by the Examiner. The applicant therefore submits that the claims comply with the second paragraph of §112.

The Examiner rejected claims 1-4 and 40 under 35 U.S.C. §102(e) as being anticipated by Knopp. The Examiner rejected claims 32, 33, 35-38 and 42 under 35 U.S.C. §102(e) as being anticipated by Klopotek. The Examiner rejected claims 1, 4 and 41 under 35 U.S.C. §103(a) as being unpatentable over Knopp in view of L'Esperance. The Examiner rejected claims 37 and 42-44 under 35 U.S.C. §103(a) as being unpatentable over L'Esperance in combination with Klopotek. It is the Examiner's position that the term "denatured" would include ablating tissue as disclosed in the cited references. The applicant has amended the claims to recite directing energy to a focal point in a cornea to denature tissue without removing the corneal tissue. Clearly the Knopp, Klopotek and L'Esperance references all disclose systems that remove cornea tissue as part of the ablation process.

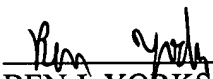
The claims recite denaturing corneal tissue without removing tissue. As discussed on page 21 of the specification, the corneal tissue is denatured through dehydration. By way of example, a circular pattern of dehydrated areas may be created to correct for a hyperopic condition. This is an entirely different process and result than the Knopp, Klopotek and L'Esperance references which disclose LASIK devices that are used to remove tissue to correct for myopic conditions. Ablating to correct for myopia is entirely different from dehydrating to correct for hyperopia. For these reasons the applicant submits that Knopp, Klopotek and L'Esperance neither disclose nor suggest the recited claims.

In view of the above it is submitted that the claims are in condition for allowance.

Reconsideration of the rejections is requested. Allowance of claims 1-4, 32, 33, and 36-44 at an early date is solicited.

Respectfully submitted,  
IRELL & MANELLA LLP

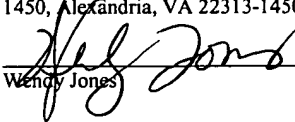
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Date 9/29/03